

AMENDED IN SENATE JUNE 18, 2015

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 908

Introduced by Assembly Member Members Gomez and Burke
(Coauthor: Assembly Member Gonzalez)

February 26, 2015

An act to amend Section 3301 of the Unemployment Insurance Code, relating to disability compensation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 908, as amended, Gomez. Disability compensation: family temporary disability insurance.

Existing unemployment compensation disability law provides a formula for determining benefits available to qualifying disabled individuals. For an individual who has quarterly base wages of greater than \$1,749.20, the weekly benefit is calculated by multiplying base wages by 55% and dividing the result by 13. For a benefit that is not a multiple of \$1, existing law provides that the benefit shall be computed to the next higher multiple of \$1. However, existing law provides that this amount may not exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount.

Under existing law, the family temporary disability insurance program provides up to 6 weeks of wage replacement benefits to workers who take time off work to care for specified persons, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Existing law defines "weekly benefit

amount” for purposes of this program to mean the amount of benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law.

This bill would require the family temporary disability insurance program to provide up to 10 weeks of wage replacement benefits. This bill would, for purposes of this program, require the weekly benefit amount to be calculated with a specified formula. However, the amount would be prohibited from being less than \$250 and more than the maximum workers’ compensation temporary disability indemnity weekly benefit amount, as specified.

Under existing law, workers are required to pay contributions to the Unemployment Compensation Disability Fund, a special fund in the State Treasury, and those funds are continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions.

This bill, by authorizing an increase in the expenditure of money from the Unemployment Compensation Disability Fund, would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3301 of the Unemployment Insurance
- 2 Code is amended to read:
- 3 3301. (a) (1) The purpose of this chapter is to establish, within
- 4 the state disability insurance program, a family temporary disability
- 5 insurance program. Family temporary disability insurance shall
- 6 provide up to 10 weeks of wage replacement benefits to workers
- 7 who take time off work to care for a seriously ill child, spouse,
- 8 parent, grandparent, grandchild, sibling, or domestic partner, or
- 9 to bond with a minor child within one year of the birth or *the*
- 10 placement of the child in connection with foster care or adoption.
- 11 (2) Nothing in this chapter shall be construed to abridge the
- 12 rights and responsibilities conveyed under the CFRA or pregnancy
- 13 disability leave.
- 14 (b) An individual is eligible to receive family temporary
- 15 disability insurance benefits equal to one-seventh of his or her
- 16 weekly benefit amount for each full day during which he or she is
- 17 unable to work due to caring for a seriously ill or injured family

1 member or bonding with a minor child within one year of the birth
2 or *the* placement of the child in connection with foster care or
3 adoption.

4 (c) The maximum amount payable to an individual during any
5 disability benefit period for family temporary disability insurance
6 shall be 10 times his or her “weekly benefit amount,” but in no
7 case shall the total amount of benefits payable be more than the
8 total wages paid to the individual during his or her disability base
9 period.

10 (d) No more than 10 weeks of family temporary disability
11 insurance benefits shall be paid within any 12-month period.

12 (e) An individual shall file a claim for family temporary
13 disability insurance benefits not later than the 41st consecutive
14 day following the first compensable day with respect to which the
15 claim is made for benefits, which time shall be extended by the
16 department upon a showing of good cause. If a first claim is not
17 complete, the claim form shall be returned to the claimant for
18 completion and it shall be completed and returned not later than
19 the 10th consecutive day after the date it was mailed by the
20 department to the claimant, except that such time shall be extended
21 by the department upon a showing of good cause.

22 (f) For purposes of this chapter, an individual’s “weekly benefit
23 amount” shall be as follows:

24 (1) When the amount of wages paid to the individual for
25 employment by employers during the quarter of the individual’s
26 disability base period in which these wages were highest is not
27 more than four thousand sixty three dollars (\$4,063), then two
28 hundred fifty dollars (\$250).

29 (2) When the amount of wages paid to the individual for
30 employment by employers during the quarter of the individual’s
31 disability base period in which these wages were highest is more
32 than four thousand sixty three dollars (\$4,063), and does not exceed
33 25 percent of the amount of the annual full-time minimum wage
34 level, then 80 percent of the amount of wages paid to the individual
35 for employment by employers during the quarter of the individual’s
36 disability base period in which these wages were highest, divided
37 by 13. If the weekly benefit amount is not a multiple of one dollar
38 (\$1), it shall be computed to the next higher multiple of one dollar
39 (\$1).

1 (3) When the amount of wages paid to the individual for
2 employment by employers during the quarter of the individual's
3 disability base period in which these wages were highest exceeds
4 25 percent of the amount of the annual full-time minimum wage
5 level, but does not exceed 75 percent of the amount of the annual
6 full-time minimum wage level, then either (A) 20 percent of the
7 annual full-time minimum wage level divided by 13 or (B) 75
8 percent of the amount of wages paid to the individual for
9 employment by employers during the quarter of the individual's
10 disability base period in which these wages were highest divided
11 by 13, whichever amount is greater. If the weekly benefit amount
12 is not a multiple of one dollar (\$1), it shall be computed to the next
13 higher multiple of one dollar (\$1).

14 (4) Except as provided in paragraph (5), when the amount of
15 wages paid to the individual for employment by employers during
16 the quarter of the individual's disability base period in which these
17 wages were highest exceeds 75 percent of the amount of the annual
18 full-time minimum wage level, then either (A) 56.25 percent of
19 the annual full-time minimum wage level divided by 13 or (B) 65
20 percent of the amount of wages paid to the individual for
21 employment by employers during the quarter of the individual's
22 disability base period in which these wages were highest divided
23 by 13, whichever amount is greater. If the weekly benefit amount
24 is not a multiple of one dollar (\$1), it shall be computed to the next
25 higher multiple of one dollar (\$1).

26 (5) An individual's "weekly benefit amount" shall not exceed
27 the maximum workers' compensation temporary disability
28 indemnity weekly benefit amount established by the Department
29 of Industrial Relations pursuant to Section 4453 of the Labor Code.

30 (g) For purposes of this chapter, the "annual full-time minimum
31 wage level" means 2,000 hours multiplied by the hourly minimum
32 wage in effect pursuant to Section 1182.12 of the Labor Code.